

MS6

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG -8 PM 12: 27

UNITED STATES OF AMERICA,

Plaintiff,

v.

Artemio ALTAMIRANO-Ruiz,

Defendant

Magistrate Docket No.

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 2464

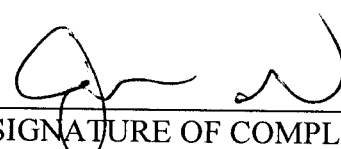
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **August 7, 2008** within the Southern District of California, defendant, **Artemio ALTAMIRANO-Ruiz**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **8th** DAY OF **AUGUST**,
2008.


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

8/7/08 JMB

CONTINUATION OF COMPLAINT:
Artemio ALTAMIRANO-Ruiz

PROBABLE CAUSE STATEMENT

On August 7, 2008, Border Patrol Agent C. Aguilar was assigned to Border Patrol Operations in Jamul, California. At approximately 3:00 am, Agent Aguilar responded to a seismic intrusion device Northeast of the Tecate, California Port of Entry. Upon arrival to the area Agent Aguilar observed eight individuals walking north towards him. Agent Aguilar identified himself as a United States Border Patrol Agent and then conducted an immigration inspection. All eight subjects including one later identified as the defendant, **Artemio ALTAMIRANO-Ruiz**, admitted to being citizens and nationals of Mexico and that they did not possess any documents to enter or remain in the United States legally. At approximately 3:30 am, all the individuals, including the defendant were arrested and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on July 7, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant stated he was going to Oxnard, California.